

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, and OPENAI
HOLDINGS, LLC,

Defendants.

Civil Action No. 1:23-cv-11195-SHS

**DECLARATION OF IAN B.
CROSBY IN SUPPORT OF THE
NEW YORK TIMES COMPANY'S
MOTION FOR LEAVE TO FILE
FIRST AMENDED COMPLAINT**

I, Ian B. Crosby, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Partner at Susman Godfrey L.L.P., located at 401 Union Street, Suite 3000, Seattle, WA 98101, which represents Plaintiff The New York Times Company (“The Times”) in this case. I submit this declaration in support of The Times’s Motion for Leave to File First Amended Complaint.
2. Attached hereto as Exhibit A is a true and correct copy of a redline comparing the initial Complaint, filed on December 27, 2023, to The Times’s proposed First Amended Complaint.
3. Attached hereto as Exhibit B is a true and correct copy of The Times’s proposed First Amended Complaint.
4. I contacted counsel for Defendants to explain The Times’s proposed amendment and to ask whether Defendants will oppose. OpenAI has not advised The Times whether they oppose the proposed amendment. Microsoft takes no position at this time on the proposed amendment.
5. I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 20th day of May 2024.

/s/ Ian B. Crosby

Ian B. Crosby